

Figure E-10 Statutory Checklist

**STATUTORY CHECKLIST [§58.35(a) activities]  
for Categorical Exclusions and Environmental Assessments**

Note: Review of the items on this checklist is required for both Categorical Exclusions under Sec. 58.35(a) and projects requiring an Environmental Assessment under Sec. 58.36. If no compliance with any of the items is required, a Categorical Exclusion [58.35(a)] may become "exempt" under the provisions of Sec. 58.34 (a) (12). In such cases attach the completed Statutory Checklist to a written determination of the exemption. Projects requiring an Environmental Assessment under Sec. 58.36 cannot be determined to be exempt even if no compliance with Statutory Checklist items is found. Three items listed at Sec. 58.6 are applicable to all projects, including those determined to be exempt.

**Project Name and Identification No. DOH #1060 – 7 Caroline Street, Milford**

Area of Statutory or Regulatory Compliance	Not Applicable to This Project	Consultation Required*	Review Required*	Permits Required*	Determination of consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Provide compliance documentation. Additional material may be attached.
<b>Document Laws and authorities listed at 24 CFR Sec. 58.5</b>							
1. Historic Properties [58.5(a)] [Section 106 of NHPA]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property is located outside proposed historical district – see attached SHPO letter
2. Floodplain Management [58.5(b)] [Ex Or 11988] [24 CFR 55]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Flood Zone AE-Flood Management Permit will be required from the CTDEEP – See attached application – See attached FEMA FIRMette Panel No. 0900C0529J dated July 8, 2013.
3. Wetland Protection [58.5 (b)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site is not located in or near any identified wetlands, see attached USFWS Inventory map, however local ILWL review may be necessary and SESC plan implemented and maintained during construction.
4. Coastal Zone Management [58.5(c)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Parcel is shown within the Coastal Area Management Zone on the Milford Zoning Map therefore State & Municipal Coastal Site Plan Review(s) Required
5. Water Quality – Aquifers [58.5(d)] [40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No aquifers were identified in the area of the site on the CTDEEP GIS, See attached map
6. Endangered Species [58.5(e)] [16 U.S.C. 1531 et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site is located with a NDDB area however it is not waterfront property on a sandy beach. USFWS reports no endangered species in the project area.
7. Wild and Scenic Rivers [58.5 (f)] [16 U.S.C. 1271 et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Per the CT DEEP there are no Wild and Scenic Rivers in the Town of Milford

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8. Air Quality [58.5(g)] [42 U.S.C. 7401 et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Although asbestos has been found at the site, an EA nor an EIS is required. Any air quality impacts should be short term and localized.
9. Farmland Protection [58.5(h)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site has already been developed and no additional clearing is required for the rehabilitation
Manmade Hazards 10 A. Thermal Explosive [58.5(i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There will be no change in density or change of use. See attached letter from Milford Fire Department
10 B. Noise [58.5(i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not applicable per CPD-13-03 The site will be substantially restored to condition prior to the disaster
10 C. Airport Clear Zones [58.5 (i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site is located outside the Sikorsky Airport clear zone and the airport is not typically used as a military airfield.
10 D. Toxic Sites [58.5 (i)(2)(i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This site is not located on an EPA Superfund National Priorities or CERCLA list or CT equivalent; there are no known non-residential underground fuel oil tanks; it is not known or suspected to be contaminated with toxic chemical or radioactive materials; the site is located within 3000 feet of a capped solid waste landfill which existed prior to the disaster. The site will be substantially restored to condition prior to the disaster which will include public water service
11. Environmental Justice [58.5(j)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is NOT located within a predominately minority or low income neighborhood
<b>Document Laws and authorities listed at Sec. 58.6 and other potential environmental concerns</b>							
12 A. Flood Insurance [58.6(a) & (b)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Policy attached per federal regulations and program guidelines. Howowners are required to maintain flood insurance for five years as a prerequisite for assistance.
12 B. Coastal Barriers [58.6(c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The only Coastal Barrier Zone in Miford is located at Nells Island and Duck Island in the southwest section of the town per FIRM Panels 09009C0528J and 09009C0536J both with effective date 7/8/2013. Also see attached map of the John Chaffe Coastal Barrier Resource System
12 C. Airport Clear Zone Notification [58.6(d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The property is not for sale and Airport Clear Zone for Sikorsky Airport and Tweed New Haven do not cross municipal boundaries

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13 A. Solid Waste Disposal [42 U.S.C. S3251 et seq.] and [42 U.S.C. 6901-6987 eq seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Solid waste impact is expected to be minimal as the scope of the project is limited to pre-storm building footprint.
13 B. Fish and Wildlife [U.S.C. 661-666c]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project will not impact any water bodies
13 C. Lead-Based Paint [24 CFR Part 35] and [40 CFR 745.80 Subpart E]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A survey of the site performed by Loureiro Engineering Associates identified lead-based paints in various areas and provides recommendations for removal. See attached report.
13 D. Asbestos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A survey of the site performed by Loureiro Engineering Associates identified asbestos and provides recommendations for removal. See attached report.
13 E. Radon [50.3 (l) 1]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	It is not anticipated that radon will be found given the nature of the geology of the area, however, radon testing will be preformed upon completion of enclosed ground level space (if applicable). Appropriate mitigation measures will be recommended as necessary.
13 F. Mold	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A survey of the site performed by Loureiro Engineering Associates identified mold at the site and provides recommendations for remediation. See attached report.
Other: State or Local 14 A. Flood Management Certification [CGS 25-68]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Certification will be required CTDEEP Transmittal and Application Attached
14 B. Structures, Dredging & Fill Act [CGS 22a-359 to 22a-363f]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Activities seaward the the Coastal Jurisdiction Line may require authorization from CTDEEP OLISP
14 C. Tidal Wetlands Act [CGS 22a-28 to 22a-35]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No tidal wetlands have been identified.
14 D. Local inland wetlands/watercourses [CGS 22a-42]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property is not located within regulated wetlands, however, local review and/or sign-off may be required.
14 E. Various municipal zoning approvals	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Application for Site Plan Review approval and/or Special Exception is required for Zoning Permit. Adminstrative Signoff possible. If no approval is granted, application to Zoning Board of Appeals may be necessary

**DETERMINATION:**

- ☐ This project converts to Exempt, per §58.349a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license. Funds may be drawn down for this (now) EXEMPT project; OR
- ☒ This project cannot convert to Exempt because one or more statutes/authorities requires consultation or litigation. Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per §58.70 and 58.71 before drawing down funds; OR
- ☐ The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

Prepared by:

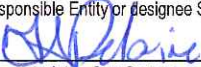


10/14/2014

Name: Edward G. Shelomis, P.E., Vice President

Date

Responsible Entity or Designee Signature:



Hermia Delaire, CDBG-DR Program Manager

10/15/14  
Date